



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JE17 Rec'd PCT/PTO 23 APR 2001

In re the Application of: Pal Maliga, Hiroshi Kuroda, Muhammad Sarwar Khan

International Application No.: PCT/US99/17806

International Filing Date: August 3, 1999

U.S. Application No.: 09/762,105

U.S. Filing Date: February 2, 2001

For: TRANSLATION CONTROL ELEMENTS FOR HIGH-LEVEL PROTEIN EXPRESSION IN THE PLASTIDS OF HIGHER PLANTS AND METHODS OF USE THEREOF

**Certificate of Mailing Under 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited on April 19, 2001 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, DC 20231.

April 19, 2001

Date of Certificate

Jane C. Bogan  
Jane C. Bogan

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231  
Box PCT

Dear Sir:

In response to the Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated March 19, 2001 a copy of which is enclosed herewith, we are completing the above-identified U.S. Patent Application of:

Inventor(s): Pal Maliga, Hiroshi Kuroda, Muhammad Sarwar Khan

For: TRANSLATION CONTROL ELEMENTS FOR HIGH-LEVEL PROTEIN EXPRESSION IN THE PLASTIDS OF HIGHER PLANTS AND METHODS OF USE THEREOF

The Missing Requirements in this case requires submission of:

2c. - Oath or Declaration of the Inventors.

The following is submitted herewith:

2 Sheet of Declaration, Power of Attorney and Power to Inspect.

If any additional fees result from the changes made in accordance with this response to the Invitation to Correct Defects, authorization is given to charge Deposit Account No. 04-1406.

**BEST AVAILABLE COPY**

Telephone: (215) 563-4100

Facsimile: (215) 563-4044

Direct all inquiries to the undersigned agent

Kathleen D. Rigaut, Ph.D., J.D.

**DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.**

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Respectfully submitted,

**DANN, DORFMAN, HERRELL AND SKILLMAN**

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By: Kathleen D. Rigaut

Kathleen D. Rigaut, Ph.D., J.D.

PTO Registration No. 43,047

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/762105

MALIGA

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RUT 00-0010

INTERNATIONAL APPLICATION NO.

PCT/US99/17806

I.A. FILING DATE

PRIORITY DATE

03 AUG 99

03 AUG 98

DATE MAILED:

19 MAR 2001

KATHLEEN D RIGAUT  
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**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.  
☐ Translation of the international application into English.  
☐ Oath or Declaration of inventor(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☒ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Verified Statement Claiming Small Entity Status.  
☐ Priority Document.  
☐ Copy of the International Search Report ☐ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

- ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation

\_\_\_\_\_ COTTMAN, DARRELL C.

FORM PCT/DO/EO/905 (December 1997)

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